

LAKELAND, FL

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SCHWARZ PARTNERS PACKAGING, LLC
D/B/A MAXPAK

Employer

and

Case 12-RC-073852

UNITED STEELWORKERS
INTERNATIONAL UNION

Petitioner

DECISION AND DIRECTION

The National Labor Relations Board has considered challenged ballots and objections in an election held March 15, 2012, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 39 ballots cast for and 38 ballots cast against the Petitioner, with 2 challenged ballots, a sufficient number to affect the results.

No exceptions have been filed to the hearing officer's report within the time provided. Accordingly, the Board adopts the hearing officer's findings and recommendations.¹

¹ The Hearing Officer recommended that the Board overrule the challenges to the ballots cast by Rick Whiting and Abner Rivera, and that the Board overrule the Employer's objection, which was premised upon the finding that Whiting and Rivera were supervisors. The Hearing Officer further recommended that the Board approve the withdrawal of the Union's objection 9, overrule the Union's objections 1, 3, 4, 6, 8, and 10, and sustain the Union's objections 5, 7, and 11.

DIRECTION

IT IS DIRECTED that the Regional Director for Region 12 shall, within 14 days of this direction, open and count the ballots of Richard Whiting and Abner Rivera, and thereafter prepare and serve on the parties a revised tally of ballots, and issue the appropriate certification, or, if necessary, set the election aside and direct a second election

Dated, Washington, D.C., June 7, 2013.

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary